

The Examiner has asserted that the application filed February 21, 2003, has not been placed in condition for allowance because the rejection under 35 USC § 102 (a) still stands. Specifically, the Examiner states that the translation of the priority document has not been received and, thus, priority has not yet been perfected.

Responsive to this assertion, Applicants have submitted a translation of the priority document herewith. As such, Applicants respectfully request that the rejection under 35 USC § 102 (a) be withdrawn.


The Examiner states that claim 21 was elected by original presentation, and that claim 19 is a generic claim upon which claim 21 depends. The Examiner contends that claim 19 is being examined based upon the election, not upon its being generic, and that generic claim 19 will be considered in its generic form only if claim 21 is found to be allowable.

However, Applicants submit that claim 19 must be examined based upon its being generic and that it is not required that claim 21 be found to be allowable in order for claim 19 to be considered generic. As set forth in MPEP § 809.02 (c) (B), when a generic claim is found to be allowable and a reasonable number of additional species are claimed, there is a specific manner in which the claims are to be treated. Specifically, when all claims to the additional species are embraced by an allowable generic claim as provided by 37 CFR § 1.141, Applicants must be advised of the allowable generic claim and that claims drawn to the non-elected species are no longer to be considered withdrawn since they are fully embraced by the allowed generic claim.

A review of 37 CFR § 1.141 (a) reveals that species claims that are appropriate to be included along with an allowable generic claim are claims that are written in independent form or otherwise include all the limitations of the generic claim. In relating MPEP § 809.02 (c) and 37 CFR § 1.141 to the current case, it can be seen that claims 20 and 22-26 all depend from claim 19. As such, if generic claim 19 is found to be allowable, claims 20 and 22-26 can no longer be withdrawn from consideration since they are fully embraced by generic claim 19. Applicants submit that claims 20 and 22-26, due to their dependence upon allowable claim 19, are also now in condition for allowance, the allowance of which is hereby respectfully requested.

If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,


Randall J. Knuth
Registration No. 34,644

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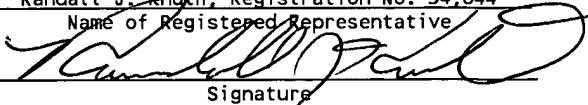
Encs: Translated Priority
Document JP9-114951

RANDALL J. KNUTH, P.C.
3510-A Stelhorn Road
Fort Wayne, IN 46815-4631
Telephone: 260/485-6001
Facsimile: 260/486-2794

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: June 2, 2003.

Randall J. Knuth, Registration No. 34,644
Name of Registered Representative


Signature

June 2, 2003
Date